Million $ Match - Give Now to Double the Impact

09/22/23 • COVID • NEWS

New York Repeals COVID Vaccine Mandate For Healthcare Workers But Legal Fight Not Over

New York will officially repeal its COVID-19 vaccine mandate for healthcare workers starting Oct. 4. The mandate, which led to thousands of workers being fired or quitting, will be lifted after a lawsuit sponsored by Children's Health Defense challenged its legality. However, the state may still seek sanctions against workers for alleged past violations.

By **Brenda Baletti, Ph.D.**

29

Miss a day, miss a lot. *Subscribe to The Defender's Top News of the Day.* ***It's free.***

New York State officially will repeal its COVID-19 vaccine mandate for healthcare workers on Oct. 4, the attorney general's office on Tuesday informed the New York Supreme Court.

The announcement comes after New York health officials revealed in May that they planned to repeal the mandate, in a surprise move during a hearing in a lawsuit challenging the mandate.

Children's Health Defense (CHD) sponsored the lawsuit, filed Oct. 20, 2022, by a group of medical practitioners affected by the mandate, along with several additional plaintiffs, including two doctors, a nurse, a radiologic technologist and a medical laboratory specialist.

Defendants in the case include the New York State Department of Health (NYSDOH), New York Gov. Kathleen C. Hochul and Mary T. Bassett, the state's health commissioner.

Sujata Gibson, the plaintiffs' attorney, today told The Defender:

> "This is a tremendous victory for the healthcare workers and for medical freedom in general, but also for the people of New York who have been deeply impacted by the massive shortage that occurred because of this mandate. Thirty-four thousand healthcare professionals had to leave the field, and we have all been impacted by their absence.
>
> "While this victory is significant, the fight is not over. People suffered enormously because of this mandate and justice needs to be done so that they can be made whole."

Every Dollar has Twice the Impact: Support CHD's $1 Million Match Campaign
MILLION-DOLLAR-MATCH
DONATE TODAY

On Jan. 13, the court found for the plaintiffs and struck down the mandate, declaring it "null, void, and of no effect" and alleging the state's health department "blatantly violated the boundaries of its authority as set forth by the legislature."

The state appealed, and separately won a stay against the initial ruling. The stay reinstated the mandate, which affected an estimated 34,000 healthcare workers, and perpetuated the ongoing worker crisis in New York's healthcare system.

Sujata Gibson told The Defender that by allowing the mandate to remain in place, the stay devastated the lives of thousands of workers who remained shut out of work because they were terminated or suspended.

New York's Supreme Court Appellate Division in Rochester was scheduled to hear arguments on the mandate at a hearing in May. But just minutes before the plaintiffs were set to begin oral arguments, Jonathan Hitsous, an attorney representing the state, announced its intention to repeal the mandate.

Repealing a mandate is a lengthy process requiring a public comment period and hearings. Hitsous told the court the state's health department would no longer enforce the mandate during that process.

The documents submitted to the court Tuesday showed that during the public comment period, the NYSDOH received only one comment about the proposed repeal, which was from the New York City Department of Health and Mental Hygiene.

That department urged NYSDOH not to repeal the mandate and instead to amend the regulation to require personnel to be "up to date" with COVID-19 vaccination or to wear a "well-fitting mask" at times when COVID-19 is determined to be prevalent.

The NYSDOH considered those options and rejected them, Gibson said.

But, it indicated it may "continue to seek sanctions against providers based on previously cited violations that allegedly occurred."

Kim Mack Rosenberg, CHD acting general counsel, told The Defender the repeal was a "tremendous victory" for healthcare workers and the patients they care for.

"However," she added:

> "We cannot forget the workers who were damaged by the mandate. The mandate took a financial and emotional toll on professionals dedicated to patient care. Among other things, they suffered job loss and, in many instances, had to leave New York State in order to find work and support their families.
>
> "Many of those workers may not want to or may not be able to return to New York, even with the mandates lifted. The impact of the mandate will be felt for years to come."

RFK Jr. and Brian Hooker's *New* Book: "Vax-Unvax"

Plaintiffs still seeking to uphold lower court ruling

When he announced, in May, plans to repeal the mandate, Hitsous also asked the court to overturn the lower court's original ruling striking down the mandate as illegal and unconstitutional.

Hitsous argued the original lawsuit was rendered moot — the rights and interests of the parties involved are no longer at stake — because the state planned to repeal the mandate.

But Gibson opposed the move to vacate the original ruling, arguing it "leaves open the very real possibility that this constitutional violation could happen again and ruin many more lives."

In fact, later the same day that Hisous announced the state's intent to repeal the mandate, the NYSDOH sent out guidance to affected healthcare facilities clarifying that the promises to the court were not accurate, Gibson said.

The letter stated the NYSDOH would stop citing providers for failing to comply with the mandate while its termination was undergoing consideration, but that the department was still seeking sanctions for past violations.

The NYSDOH also reminded providers that they must continue to follow and enforce all applicable state and federal laws — which by implication included the mandate.

Gibson filed a motion on June 8 asking the court to lift the stay and either consider the case on its merits or end the appeal of the original decision.

She also detailed the effect on workers who continued to suffer harm because the state's voluntary repeal is only prospective, not retroactive.

The state's attorney did not oppose her motion to repeal the stay. In fact, on June 20, Hitsous submitted an affirmation of the motion.

However, because the affirmation was submitted after the deadline set by the court, it was not accepted by the panel, and the stay technically remained in place. Despite this, people interviewed by The Defender said hospitals did begin dropping their mandates.

Gibson told The Defender the state's submission to the court this week shows why the case remains relevant and is not made moot by the repeal.

"The submission makes clear that this case is not moot as they reserve the right to continue to seek sanctions against people who allegedly violated the mandate before the repeal and the harm that was done still needs to be remedied."

The court has yet to decide on the motions before it.

"The Wuhan Cover-Up" by Robert F. Kennedy Jr.
ORDER NOW

Mandates for workers were devastating but the lawsuit made a difference

New York's COVID-19 mandate for healthcare workers took effect in September 2021, prompting 34,000 medical workers, or 3% of the workforce at the time, to quit or be fired instead of getting the shots.

Then-Gov. Andrew Cuomo first enacted the mandate on Aug. 16, 2021, and the NYSDOH adopted it as a permanent rule under Gov. Hochul on June 22, 2022, even though New York ended its COVID-19 state of emergency on June 24, 2021.

Margaret Florini, spokesperson for Medical Professionals for Informed Consent, told The Defender the mandate devastated thousands of healthcare workers in New York.

She said:

> "We pooled money to help people in our lawsuit provide food for their children, to provide birthday presents for their children, to provide Christmas presents for their children.
>
> "Wow. I mean, people have lost their homes that they have raised their families in, and had to sell them. Pensions have been drained, retirements have been drained. There are people in New City who are literally begging because they are so in debt and can't pay their rent.
>
> "And a couple people in Medical Professionals for Informed Consent have received their final eviction notices, and they are at the point where they will literally be homeless within the next few weeks."

As New York entered a crisis of healthcare workers, she said many workers crossed state lines to work in Pennsylvania in order to survive, and as a result, Pennsylvania's healthcare system is booming.

Confidential documents shared with The Defender showed that after Gibson filed the motion to lift the stay in June, several hospitals changed their policies and began re-hiring fired or suspended workers.

The Defender reviewed email messages showing that effective July 1, Ascension healthcare system no longer made the COVID-19 vaccine a condition of employment at its New York facilities.

There was an outpouring of gratitude by reinstated workers for the work done through the lawsuit to get their jobs back.

One reinstated worker tweeted:

Florini commented on people like this woman's husband, saying "They're heroes. They stood by their convictions, and we need more people like them."

But, she said, the work is not done. If the lower court's ruling is upheld, plaintiffs will be able to seek job reinstatement, back pay and other damages in a different process.

Florini said:

> "I just think about the overwhelming devastation that this mandate has caused so many thousands of people in just New York state — this cannot be forgotten. We cannot forget what our own government has done to us.
>
> "And they need to pay, they need to pay these people back. The emotional damage, the financial damage, it's immeasurable.
>
> "And we just have to make sure that we do not forget this. We can't let this happen again."

Gibson added that she thought the mandates would have remained in place had the lawsuit not been pending.

"I think we owe a great deal to the people that brought this to CHD and to the doctors and nurses and other healthcare workers who have been fighting for these rights at great personal expense," she said.

Subscribe to The Defender – It's Free!
First Name... Last Name... Email...
SIGN UP

SUGGEST A CORRECTION

Brenda Baletti, Ph.D.

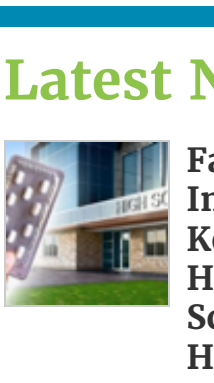
Brenda Baletti Ph.D. is a reporter for The Defender. She wrote and taught about capitalism and politics for 10 years in the writing program at Duke University. She holds a Ph.D. in human geography from the University of North Carolina at Chapel Hill and a master's from the University of Texas at Austin.

Sign up for free news and updates from Children's Health Defense. CHD focuses on legal strategies to defend the health of our children and obtain justice for those injured. We can't do it without your support

Republishing Guidelines

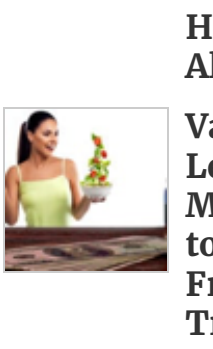
Donate Now
You make the difference.

Latest News



Family Investigated for Keeping Teen Home After School-Based Health Center Gave 17-Year-Old a Bag of Unlabeled Zoloft

Fauci Secretly Met With CIA to 'Influence' COVID Origins Investigation, House Republican Alleges

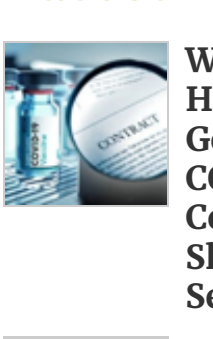


Vaccines Grown in Lettuce? Rep. Massie Asks House to Bar FDA, USDA From Funding Transgenic Edible Vaccines

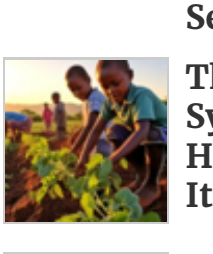
MORE NEWS

Latest Views

What Are They Hiding? Government COVID Vaccine Contracts Shrouded in Secrecy



The Global Food System Is Broken. Here's How to Fix It.



1950s Propaganda Exposes How Polio Vaccine Was Made

MORE VIEWS

Get FREE News & Updates!
First Name...
Last Name...
Email...
SIGN UP

Get Text Alerts
Sign up for breaking news from The Defender.
Currently only eligible for numbers in the U.S. and Canada.
1234567890
Phone
REQUIRED. Phone number must be in a standard 10-digit format: 1234567890 or 123-456-7890
CONTINUE

Children's Health Defense Comment Policy
We welcome relevant and respectful comments. Off-topic comments may be removed.
Please read our Comment Policy before commenting.
Got it

29 Comments

Login ▾

Join the discussion…

LOG IN WITH OR SIGN UP WITH DISQUS ?

Name

♡ 4 Share

Best Newest Oldest

holisticpoet
6 days ago
It is clear that those who are in power in the US and most of the world have lost their moral compass. For anyone to impose their will on anyone else is immoral, especially when comes to deciding what we allow to enter our bodies. These mandates were and are a power grab that they knew would take time to be thwarted in the courts, if at all. Bless those who demanded that the laws of this country and the Constitution are held sacred, allowing free choice of the people. It is paramount in a nation where the people are the government that people's rights and choices are held in the highest regard. Don't ever let anyone take them from you!
15 0 Reply • Share ›

tag → holisticpoet
6 days ago
I was lucky I guess. As a small business owner in pet boarding and grooming, my grooming business was shut down but the boarding kennel wasn't? HUH? Same building! No way was I going to take the jab and told my employees it was their choice, like it should be. Never demanded the face diaper and again was their choice. I sincerely hope those that chose to comply with this nonsense learned something for the next round coming our way. If we don't stand up and say NO to these bullies, get ready for a 15 min. prison camp and save the WOW, how did this happen. It happened because you let it happen. WAKE UP!
9 0 Reply • Share ›

GarySummers → tag
4 days ago
BREAKING: *"Murderers" 'Our Govt' 'The Smoking Gun'!*
Sharing Is Caring **Sharing Is Caring**

"They knew in early 2021 the Jabs would create "Blood Clots" and "Myocarditis" they Suppressed it, and deceived people to get the jabs, knowing it would Kill Americans!"
Even the 'Surgeon General', and 'Pres. Biden knew!' Red State Attorney Generals?

"46 Pages FOIAed Emails Between 'CDC Leaders', 'Dr.
Fauci', 'Dr. Collins', and 'White House, NIH, HHS', Show They Knew About Vaccine-Induced 'Myocarditis and Thrombotic Thrombocytopenia', a 'Blood
Clotting Disorder'. Emails Over 80% Redacted."

"Attorney Edward Berkovich submitted a Freedom of Information Act (FOIA)
request to the Centers for Disease Control and Prevention (CDC) stating, "I request emails sent by and received by Dr. Rochelle P. Walensky, Sherri A. Berger, and Kevin Griffis (all of whom are CDC personnel) on dates beginning February 1, 2021 through May 31, 2021, containing the word myocarditis." DailyClout reported on the initial 472-page production from that FOIA on August 29, 2023"
https://dailyclout.io/46-pa...
2 0 Reply • Share ›

Sebastian → holisticpoet
6 days ago
"It is clear that those who are in power in the US and most of the world have lost their moral compass."

They never had one.
9 0 Reply • Share ›

GarySummers → Sebastian
3 days ago

see more
1 0 Reply • Share ›

mcwinaz → holisticpoet
6 days ago
I so agree. Govts, private businesses - they put these ridiculous rules in place and just hoped that people would comply. They also gambled on the hope that no one would file a lawsuit against them, and even then, felt they still had the chance of coming out on top. Human beings - the most evil species on the planet..
4 0 Reply • Share ›

GarySummers → holisticpoet
4 days ago
"Great News On This Win" "Plus 'BREAKING NEWS' On Hydroxy"

"'How many could have been Saved!'" 'Anyone Accountable?'
Mayo Clinic Website Now Says "Hydroxychloroquine 'CAN Be Used' to Treat COVID-19 Patients", Previously Claimed It Was Not Effective

The Mayo Clinic which has been touted by many as the best hospital system and medical research center in the United States, recently made an interesting update on their website regarding the drug Hydroxychloroquine.

In the new update on their site, it now says "Hydroxychloroquine may be used to treat coronavirus (COVID-19) in certain hospitalized patients."

Previously the Mayo Clinic claimed Hydroxychloroquine and chloroquine were "malaria drugs authorized for emergency use by the FDA during the COVID-19 pandemic. However, the FDA withdrew that authorization when data analysis showed that the drugs are not effective for treating COVID-19."
https://www.thegatewaypundi...
0 0 Reply • Share ›

Stephen Thomson
6 days ago edited
This was an abomination from the outset. New York was at the forefront with authoritarian and dictatorial mandates. Those officials should no longer be seated in their positions and should resign in shame or be removed.
Despicable what occurred and is enough to change governments in any legitimate democracy.
13 0 Reply • Share ›

Tina
6 days ago
Keep it up Governor Hochul and you won't have any tax paying citizens.
10 0 Reply • Share ›

Brad
6 days ago
South Africa FORCED To Reveal Pfizer Covid Contract: FBI, DOD and DOJ, must be prosecuted for crimes against Humanity

Stewpeters show
6 0 Reply • Share ›

GarySummers → Brad
4 days ago edited
I think that is the Contract that Pfizer admitted to many Unknowns of it's Jabs Efficiency?
Plus many Adverse Side Effects?
They blame they were rushed to Develop it?
They had it for years, but they could not get it approved, failed to many Human, Animal Study's.
0 0 Reply • Share ›

MDskeptic
6 days ago
NYDOH cowardly hypocrites did the same in 2009 with their illegal swine flu vax HCW mandate when they ran away with tail between their legs from a court challenge brought against them by UFT and 1199. They continue to be a disgraced and disreputable agency which has no valid claim to authority or respect.
6 0 Reply • Share ›

jann → MDskeptic
a day ago
Unfortunately, the UFT would no longer challenge a mandate. The heads have been bought out by the globalists.
0 0 Reply • Share ›

MDskeptic → jann
a day ago
You are quite right about that. Propaganda, brainwashing and outright intimidation work handily against sheeple. It's disgraceful.
1 0 Reply • Share ›

Nancy Schwartz
6 days ago
I hope those who left NY don't return. Let the state really get the message! Those 34k people are heroes for sticking to their convictions.
5 0 Reply • Share ›

Matt
5 days ago
Put the peddle to the metal and get this appeals court ruling overturned once and for all. This tactic of backing out of Constitutional challenges so they can wiggle in their violations is being used by Gavin Newsom in CA regarding transgender issues. These sick people are afraid of having the final nail in the coffin by higher courts, and are operating loosely and deviously by backing out of cases resulting in final judgments that should go against them. We are dealing with worms and snakes.
4 0 Reply • Share ›

Kim from Brooklyn → Matt
2 days ago
The lowest slime of the low.
0 0 Reply • Share ›

Brad
6 days ago
UK Government: 9 of 10 DEATHS are COVID-19 JABs fully/Jabbed

Expose-news
4 0 Reply • Share ›

Diana Rothang
6 days ago
I think that's great, but what about other people who lost their jobs because they would not take the shot? I worked in a handicapped children's center and lost my job because of it. Is there any help for us?
4 0 Reply • Share ›

Gary Brown
3 days ago edited
September 7, 2023 Open the Contracts: Court Rules in Favour of Vaccine Transparency

Judgment handed down in the Pretoria High Court on 17 August 2023! On 22 February 2022 in Gauteng, South Africa, the HJI launched legal proceedings for the disclosure of all Covid-19 vaccine contracts and any applicable agreements with relevant companies and entities.

https://healthjusticeinitia...
2 0 Reply • Share ›

GarySummers → Gary Brown
3 days ago
"Great INFO" and Post!
0 0 Reply • Share ›

cawtlookin
4 days ago
What about employees like myself who were fired for not getting the covid vaccine. This is great news for all the healthcare workers and they deserve to get back pay. But there are plenty of us not in the healthcare field who also lost their jobs. Are there any current court cases to help the workers who were not in the healthcare field who were fired for not getting the vaccine.
2 0 Reply • Share ›

GarySummers → cawtlookin
3 days ago
"Never forget what they did to You and Legions", basically forcing a Medical Procedure on people,
and disregarding 'Informed Consent!'

Children's Health Defense

Children's Health Defense® is a 501(c)(3) non-profit organization. Our mission is to end childhood health epidemics by working aggressively to eliminate harmful exposures, hold those responsible accountable and establish safeguards to prevent future harm. We fight corruption, mass surveillance and censorship that put profits before people as well as advocate for worldwide rights to health freedom and bodily autonomy.

THE DEFENDER IS AVAILABLE IN:
ENGLISH SPANISH PORTUGUESE GERMAN ITALIAN FRENCH

TAKE ACTION
DONATE FREE SIGN-UP BECOME A MEMBER
Donations are tax deductible to the full extent of the law. EIN #26-0388604

Children's Health Defense • Legal Disclaimer • Terms of Use • Privacy Policy • Donate • Work for CHD • Contact • Social • Membership FAQ

© 2016 - 2023 Children's Health Defense® • All Rights Reserved • Sitemap